

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**EGLO GARZA AND ANGELICA**

**GARZA,**

**Plaintiffs,**

**v.**

**EMSHVAC, LLC D/B/A EMS HOME  
SERVICES,**

**Defendant.**

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**Case No. 5:24-cv-00353**

**PROPOSED SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88(a) shall be filed by September 17, 2024. REGARDLESS OF WHETHER THE PARTIES CONCLUDE THAT ADR IS APPROPRIATE OR NOT, THE PARTIES SHALL INCLUDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF A COURT-APPROVED MEDIATOR OR A MEDIATOR AGREED UPON BY BOTH PARTIES IN THEIR ADR REPORT. A list of court-approved neutrals and alternative dispute resolution summary form may be obtained at <https://www.txwd.uscourts.gov/programs-services/alternative-dispute-resolution/>. If you do not have access to the internet, you may call the United States District Clerk's office at (210) 472-6550 to obtain a copy.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by September 17, 2024 and each opposing party shall respond, in writing, by October 1, 2024.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by October 2, 2024.
4. All parties asserting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by October 17, 2024. Parties resisting claims for relief shall FILE their designation of testifying experts and SERVE on all parties,

but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by November 15, 2024. All designations of rebuttal experts shall be FILED, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be SERVED, within 14 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within fourteen (14) days of receipt of the written report of the expert's proposed testimony, or within fourteen (14) days of the expert's deposition, if a deposition is taken, whichever is later.
6. The parties shall complete all discovery on or before January 15, 2025. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.
7. All dispositive motions shall be filed no later than February 4, 2025. The timing and page limitations for briefing on any motion shall be governed by the relevant provisions in Local Rule CV-7.
8. The parties shall mediate this case on or before February 24, 2025, unless the parties seek an order from the Court excusing them from mediation.
9. This case is set for pretrial conference on Wednesday, May 14, 2025 at 10:30 a.m. The parties should consult Local Rule CV-16 regarding matters to be filed in advance of a pretrial conference and/or trial.
10. This case is set for jury selection and trial on Monday, May 19, 2025 at 9:30 a.m.

SIGNED AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

/s/Douglas B. Welmaker \*with permission\*

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/s/Nallely I. Rodriguez

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**ATTORNEY FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2024, a true and correct copy of this document was served via the Court's electronic case filing system (CM/ECF) to all parties registered to receive such notice in the above captioned case.

/s/ Nallely I. Rodriguez  
NALLELY I. RODRIGUEZ